

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE TWO YEARS ENDING

NOVEMBER 30, 1918

MERRILL & WEBBER CO., AUBURN, MAINE

PRINTERS AND BOOKBINDERS

It is our opinion that the Commissioner of Health can exercise the duties of the secretary of the old State Board of Health and becomes ex-officio secretary of the Board of Examiners for Embalmers.

The Governor should also appoint one member of the Public Health Council to take the place of the member of the State Board of Health who was also a member of the Board of Examiners for Embalmers and whose office was automatically suspended when Chapter 197, Laws of 1917, went into effect.

Very truly yours,

FRANKLIN FISHER,

Assistant Attorney General.

SCHOOL UNION—EXERCISE OF RIGHT TO WITHDRAW.

20th April, 1917.

*Hon. Glenn W. Starky, State Superintendent of Schools,
Augusta, Maine.*

DEAR SIR: We are in receipt of your communication asking whether or not the town of Steuben properly withdrew from the union formed under Chapter 16, Section 55, for hiring a superintendent of schools, said union being composed of Milbridge, Harrington, Columbia and Steuben.

After such a union has been in existence for three years, Section 55, Chapter 16 provides that "any of the towns forming said union may at its annual meeting withdraw from said union." This statute seems to provide for but one interpretation and that is, that a town must, if it desires to withdraw from the union after it has been established three years, so decide at its annual meeting. The vote taken by the town of Steuben at its annual meeting on March 12, 1917, is as follows:—

"Annual meeting March 12, 1917.

Art. 33. To authorize the school com. to join a school union and contract for the services of a Supt. of Schools.

Voted to instruct School Com. to join a Union and contract for Supt. of Schools."

This is attested by the town clerk, W. E. Dutton.

The action of the town seems to have been that it authorized its school committee to either remain in the old union or join a new one at the discretion of the committee. Inasmuch as the

statute requires that a town desiring to withdraw from a union must so decide at its annual meeting, the equivocal vote of the town of Steuben on March 12, 1917, was not a withdrawal from the Milbridge union in a manner contemplated by the statute.

Very truly yours,

FRANKLIN FISHER,

Assistant Attorney General.

FIFTY-FOUR HOUR LAW—APPLICATION TO EUROPEAN PLAN HOTEL.

17th July, 1917.

Hon. Roscoe A. Eddy, Commissioner of Labor, Augusta, Maine.

DEAR SIR: We have your letter of June 20th, asking for the construction of Chapter 350, Section 3 of the Public Laws of 1915.

The particular section referred to prohibits certain businesses from employing male minors under sixteen years and females of any age more than fifty-four hours in any one week. Hotels are not included among the different concerns listed in this act. Restaurants are included in this act.

We understand your question to be if a hotel transfers from the American to the European plan will that fact make their dining room come under the head of restaurants. We do not believe that the mere fact that a hotel transfers from the American to the European plan makes their dining room come within the meaning of Chapter 350, Section 3 of the Public Laws of 1915.

The particular point in question does not seem to have ever been passed upon by the Courts of this State or any other State. The Courts have, however, held that the mere fact that a hotel is running on the European plan does not release it from liability as an inn keeper, i. e. they still are a hotel and liable to all the liabilities thereof. The Courts have further held that where there is a different license fee charged for restaurants and hotels, the fact that a hotel transfers from the American to the European plan did not cause their dining room to be classed as a restaurant. The decisions as far as we have gone seem universally to hold that hotels running a dining room on the European plan are still governed by the laws governing hotels in general.